THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION Nos.24739 and 24740 of 2005

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WRIT PETITION No.24739 of 2005

Between:

A. Lacha Goud, S/o Saya Goud,
r/o Bichukonda Village Mandal, Nizamabad District, and another.

..... PETITIONERS

AND

Mandal Revenue Officer, Bichukonda Mandal, Nizamabad District, and another.

.....RESPONDENTS

WRIT PETITION No.24740 of 2005

Between:

K.Ganga Goud, S/o.late K.Rama Goud,
R/o.Bichukonda Village and Mandal, Nizamabad District.

..... PETITIONER

AND

Mandal Revenue Officer, Bichukonda Mandal, Nizamabad District,

And another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.24739 and 24740 of 2005

COMMON ORDER:

The two petitioners in W.P.No.24739 of 2005 seek a writ of Mandamus directing the respondents to act in accordance with law and forbear from demolishing or dispossessing from the property of the petitioners bearing premises No.9-5, admeasuring 3922 Square feet, situated at Bichukonda Village and Mandal, Nizamabad District. The second petitioner in the said writ petition filed W.P.No.24740 of 2005 for a similar relief in respect of premises No.9-4 admeasuring 7230 Square feet situated at Bichukonda Village and Mandal, Nizamabad District. Therefore, this common order shall dispose of both the writ petitions.

It is the case of the petitioners that they are the absolute owners of the premises as claimed in the writ affidavits. They also allege that they purchased the land under registered sale deeds and constructed house/houses after obtaining permission from Bichukonda Gram Panchayat, where the petitioners in the writ petitions are running Sendhi shop by Bichukonda Tappers Cooperative Society. It is the case of the petitioners that on 14.11.2005, the first respondent along with his staff, without issuing any notice, threatened to demolish the structures and hence the present writ petitions are filed.

At the stage of admission itself, the learned Assistant Government Pleader for

Revenue (General) was directed to get instructions in the matter when the matter was listed on 21.11.2005. Today, after obtaining instructions, the learned Assistant Government Pleader submits that the first petitioner in W.P.No.24739 of 2005 is not at all in possession of any land. Further, he would urge that the land in Survey No.15 is Government land and one of the petitioners, K.Ganga Goud, encroached upon the land. Therefore, on 13.09.2005 the first respondent issued notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'). The petitioners have not submitted any explanations, but filed the present writ petitions. The learned Assistant Government Pleader also produced the relevant file before this Court, showing that a notice was also issued to K.Ganga Goud, S/o.Late Rama Goud, asking him to show cause as to why he should not be evicted from the Government land.

After perusing the relevant file, this Court is of the considered opinion that the petitioners have filed the present writ petitions without any factual foundation. It is not possible to agree with the submission made by the learned Counsel for the petitioners that the first respondent is threatening to dispossess the petitioners. The matter is only at the stage of notice, and the petitioners, if so advised, may approach the first respondent and submit explanations, if the first respondent has not already passed orders as per Section 6 of the Act. In these writ petitions no relief can be granted, as this Court finds that the factual foundation is not sound.

The Writ Petitions, with the above observations, are accordingly dismissed. No costs.

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(V.V.S.RAO, J)

24.11.2005

vs